REMARKS

Status of the Application and Formalities

Claim Status

Claims 1-17 are all the claims pending in the application. By this Amendment, Applicant is adding new claims 18-20.

Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and indicating that the certified priority document has been received.

Information Disclosure Statement

Applicant thanks the Examiner for considering and initialing all of the references listed on the PTO/SB/08 form submitted with the Information Disclosure Statement on April 6, 2006.

Art Rejections

1. Claims 1-12, 14, 16, and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Antrag auf Nichtnennung (DE 40 020 817, hereinafter "Antrag") in view of Spiess et al. (US 2,856,104, hereinafter "Spiess I").

2. Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Antrag in view of Spiess I, and further in view of Goodspeed (US 2,908,479).

3. Claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Antrag and Spiess I, and further in view of Spiess (US 2,670,871, hereinafter "Spiess II").

Rejections under 35 U.S.C. § 103

1. Claims 1-12, 14, 16, and 17 over Antrag in view of Spiess I.

In rejecting claims 1-12, 14, 16 and 17, the grounds of rejection state:

> Antrag auf Nichtnennung teaches a fluid dispenser head on a dispenser member (3), a connection sleeve (17) for engaging the actuator rod (3), an inlet duct (23), dispenser end piece (20) defining an end piece channel (see figure 1), a connection channel (21) that is connected to the inlet duct (23), dispenser orifice (12), a bearing surface (16) to drive the actuator rod (3), a base skirt (5), an inner core (18) inside the casing (9). The inner core (18) forms the connection sleeve (17) and part of the connection channel (21). The spout (18) forms an axial groove cooperating with the dispenser end piece and wherein the spout (18) terminates in a position set back from the dispenser orifice (12), the top portion of the channel (19) formed solely by the casing (9). The core (18) forms a bearing plate. Wherein the dispenser end piece is a flat spatula shape, said bearing surface (16) forming an angle in the range 40 to 90 degrees.
>
> Antrag auf Nichtnennung fails to teach wherein a flexible casing that forms a bearing wall defining the bearing surface and wherein the core forms a bearing plate into which a duct opens out axially and plate includes a transverse groove.
>
> Spiess et al. does teach wherein a flexible casing (11) that forms a bearing wall (27) defining the bearing surface and wherein the core (17) forms a bearing plate into which a duct (22) opens out axially and plate includes a transverse groove.
>
> Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a flexible casing defining the bearing surface because this will allow the user to easily remove the casing so that the core can be cleaned and be fixed is any maintenance issues. Furthermore, having a transverse groove will allow the fluid being dispensed to have more velocity when exiting improving performance.

(Office Action at pages 2-3.)

As an initial matter, regarding independent claim 1, Applicant respectfully submits that a prima facie case of obviousness has not been established. "The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." (*See* MPEP, § 2142, citing *KSR Int'l v. Teleflex, Inc.*, 82 USPQ2d 1835

(2007).) Furthermore, the analysis supporting a rejection under 35 U.S.C. § 103 should be made *explicit*. (MPEP § 2142, emphasis added.) There has been no reasoning given as to why the features of independent claim 1 would have been obvious.

Regarding independent claim 1, Antrag does not disclose, nor does the Examiner indicate that Antrag discloses, at least that "the bearing surface (231) extends axially downstream from the connection sleeve (11), intersecting said axis (X)." As can be seen in Figures 1 and 2 from Antrag, the push button 16 does not intersect the axis of displacement of the actuation rod 3. Rather, in Antrag, the push button 16 is placed to the side of the axis of displacement of the actuation rod. Furthermore, there has been no reasoning provided as to why it would have been obvious to modify Antrag such that the bearing surface intersects the axis of displacement of the dispenser member.

The only reasoning provided for modifying Antrag was with respect to the features recited in dependent claims directed towards a rigid inner core and a flexible outer casing. As such, no reasoning regarding the alleged obviousness of independent claim 1 has been provided and a prima facie case of obviousness has not been established.

Furthermore, there would be no reason for one of ordinary skill in the art to combine Antrag with Spiess I since they disclose devices that operate in substantially different ways.

Antrag discloses a foam dispensing head 4 comprising a *housing 9* secured on the aerosol can 1 and an *insert 15* slidingly engaged inside the housing 9. (*See* Antrag, FIGS. 1, 2.) The insert 15 has a push button 16 which can be depressed to move the insert inside the housing 9. The insert 15 also has a connection sleeve 17 engaged on the actuation rod 3 of a valve (not shown) mounted on the aerosol can 1. The housing 9 has outlet openings 12 upwardly

communicating with a chamber 19 fed by a supply opening 20 and whose volume may vary due to the sliding of a piston 18 formed by the insert 15.

When the dispensing head is in its rest position (not shown), the piston 18 contacts the wall 11 and closes the outlet openings 12. Upon depressing the button 16, the piston 18 moves away from the wall 11 and the foam may exit through the opening 12. *This operating cycle is possible, because the housing 9 and the insert 15 move relative to each other*. Due to the design of the head (two moving parts), and the axial dispensing of the product, it is not possible to extend the push button over the axis of the rod 3.

Spiess I, on the other hand, shows a particular type of valve for pressurized container allowing charging and discharging operations. The valve 10 is made of a piece of rubber engaged in an aperture formed by a flange 15 acting as a valve seat. (*See* Spiess I, FIGS. 1, 2.) When looking at figure 2 of Spiess I, the pressurized product may exit the container through an annular opening 14, thus reaching a space closed by a dispensing member 11. The dispensing member 11 is sealingly secured to the container in 26, and comprises an actuating wall 23 that contacts the valve 10. Upon depressing the actuating wall, the valve 10 is removed from the seat 15 and the pressurized product may flow around the part 17 and reach the spout 24. *The flow path of the product is radial from the seat 15, and not axial, due to the type of valve that is used*.

In Spiess I, the flow path is radial, whereas in Antrag, the flow path is axial. As such, these two designs are not combinable with each other and one of ordinary skill would not have looked to combine distinct features from the two references. Furthermore, in Antrag, the push button 16 can not extend over the actuation rod 3, and in Spiess I, the push button has to extend over the valve member 10, due to the radial valve being used. It is simply not conceivable or feasible to combine Antrag with Spiess I.

Applicant submits that claims 2-12, 14, 16, and 17 are allowable at least by virtue of their dependency from independent claim 1.

2. Claim 13 over Antrag in view of Spiess I, and further in view of Goodspeed.

Applicant submits that claim 13 is allowable at least by virtue of its dependency from independent claim 1.

3. Claim 15 over Antrag and Spiess I, and further in view of Spiess II.

Applicant submits that claim 15 is allowable at least by virtue of its dependency from independent claim 1.

New Claims

For additional claim coverage merited by the scope of the invention, Applicants are adding new claims 18-20.

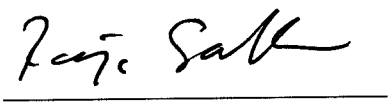
Claim 18 is allowable because the cited prior art does not disclose at least "a dispenser head comprising: an axial connection sleeve . . . wherein the bearing surface intersects the axis (X)." Claims 19 and 20 are allowable at least by virtue of their dependency from independent claim 18.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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